

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

Crl.MC.No. 957 of 2007()

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C.R.NO.39/05 OF EXCISE RANGE, AMARAVILA,  
THIRUVANANTHAPURAM

PETITIONER: PETITIONER/ACCUSED NO.1 & 2

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1. GOPAKUMAR, S/O.GOPI, SHEEBA BHAVAN,  
ARAYOOR DESOM, CHENKAL VILLAGE,  
NEYYATTINKARA TALUK.
  2. NESAMANI, CHOORAKUZHI KIZHAKKEKARA  
PUTHENVEEDU, KAROTTU DESOM,  
NEYYATTINKARA TALUK.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS: COMPLAINANT

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STATE OF KERALA, REPRESENTED BY  
EXCISE INSPECTOR, EXCISE RANGE OFFICE,  
AMARAVILA, THIRUVANANTHAPURAM, BY  
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,  
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 26/03/2007, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:

**R.BASANT, J**

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**Crl.M.C.No.957 of 2007**  
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Dated this the 26th day of March, 2007

**ORDER**

The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that in the light of the decision in **State of Kerala and Others v. Unni and another** [2007(1) KLJ (S.C) 97], this prosecution in which the only allegation is that the percentage of Ethyl Alcohol in toddy exceeds the permissible figure cannot be sustained. This Crl.M.C is, in these circumstances, allowed. All proceedings in pursuance of C.R. No.39 of 2005 of Excise Range Office, Amaravila, Thiruvananthapuram, against the petitioners is hereby quashed.

**(R.BASANT, JUDGE)**

rtr/-